

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
EASTERN SECTION

C. A. No. 1:05-CV-10143-NG

CHAPPELL & CO., INC. ET AL.,
Plaintiffs

COSTELLO'S TAVERN, INC.,
Defendant

**ASSENTED-TO MOTION TO
EXTEND DISCOVERY CUT-OFF
DATE IN ORDER TO PERMIT
TAKING OF DEPOSITION OF
MATTHEW T. GRIFFIN**

Plaintiffs, with the assent of the defendant, hereby move this Court for a brief extension of time from October 3 to October 12, 2005 to take the deposition of defendant's principal, Matthew T. Griffin, and state as grounds therefor the following:

1. Plaintiffs had originally scheduled the taking of Mr. Griffin's deposition for August 23, 2005.
2. That deposition was continued, at the request of defendant, to September 15, 2005.
3. On the date of the deposition, the deponent appeared for the deposition but without local counsel, who was to be representing him at the deposition.
4. The deponent and counsel for the plaintiffs agreed on two alternative dates that were mutually convenient for them, and agreed that the deponent would check with his counsel on his availability.
5. Hearing nothing further from defense counsel, plaintiffs have rescheduled Mr. Griffin's deposition for Thursday, October 6, 2005.

6. Not knowing at the present time whether the selected date is mutually convenient for counsel and the witness, the parties are requesting a brief extension of the discovery cut-off date from October 3 to October 12 to permit the deposition to be taken.

PLAINTIFFS, CHAPPELL & CO.,
INC. ET AL.

By their attorney,
HOLLAND & KNIGHT LLP

By: /s/ Stephen S. Young
Stephen S. Young (BBO #538040)
10 St. James Avenue
Boston, MA 02116
(617) 573-5833

ASSENTED TO:

By: /s/ Thomas J. Griffin
Thomas J. Griffin (Pro Hoc Vice)
NELSON GRIFFIN
California Bar No. 141694
633 West Fifth Street, Suite 800
Los Angeles, CA 90071
(213) 833-0155
Counsel for Defendant

Dated: September 28, 2005

CERTIFICATE OF SERVICE

I, Stephen S. Young, hereby certify that on this 28th day of September, 2005, I served the Assented-to Motion to Extend Discovery Cut-Off Date in Order to Permit Taking Of Deposition of Matthew T. Griffin by facsimile and by mailing, postage prepaid, a copy thereof addressed to Thomas J. Griffin, Esq. (Pro Hoc Vice), Nelson Griffin, 633 West Fifth Street, Suite 800, Los Angeles, CA 90071.

/s/ Stephen S. Young
Stephen S. Young

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